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Paper No. 5

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JAN 28 2003

OFFICE OF PETITIONS

In re Application of
Eaton, et al.
Application No. 10/072,672
Filed: February 8, 2002
Attorney Docket No.: PT03771U
FOR: SYSTEM FOR PROVIDING
CONTINUITY BETWEEN SESSION
CLIENTS AND METHOD THEREFOR

:
:
: DECISION DISMISSING
: PETITION
:

This is a decision on the petition under 37 CFR 1.182, filed May 16, 2002 (certificate of mailing date May 3, 2002), requesting that the Office issue a corrected filing receipt showing the total number of claims as 52, rather than 50.


The petition is **dismissed**.

A review of the application file reveals that page 74 of the specification, which probably contains the 2 missing claims, is not present. While the initial reviewer made a note of this in the application file, the Office of Initial Patent Examination erred in not informing petitioners of the omitted page. The filing receipt states there are only 50 claims present, which is an accurate reflection of the contents of the application file.

The application file will be returned to the Office of Initial Patent Examination where a new notice, officially informing petitioners of omitted page 74 and setting a two month period for response, will be mailed. Once petitioners establish page 74 was filed on February 8, 2002, a corrected filing receipt will be mailed.¹

The undersigned apologizes on behalf of the Office for this mistake.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.


E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

¹ In response to the future notice, petitioners are encouraged to submit their date stamped, itemized, return receipt postcard as *prima facie* evidence of the filing of page 74 in the Office on February 8, 2002. MPEP 503.



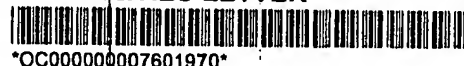
MISSING PARTS DUE: May 7, 2002
 UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/072,672	02/08/2002	Eric Thomas Eaton	PT03771U

CONFIRMATION NO. 3267

FORMALITIES LETTER



OC000000007601970

Date Mailed: 03/07/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$540.
 ▪ **\$540 for 30 total claims over 20.**
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1410.**

A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

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MAR 12 2002

**MOTOROLA LAW DEPARTMENT
 PLANTATION, FLORIDA**